

DEC 09 '11 -3 02 PM

SURFACE TRANSPORTATION BOARD



December 9, 2011

Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

Dear Chief:

Please find attached one (1) copy of the Complete Release dated December 9, 2011 between the following parties:

The David J. Joseph Company (f/k/a Joseph Transportation Services, Inc)  
300 Pike Street  
Cincinnati, OH 45202

Manufacturers Trust and Trade Company (f/k/a Allfirst)  
25 S. Charles Street  
Baltimore, MD 21201

This filing is to appear in the index as follows: Complete Release dated December 9, 2011 related to thirty-nine (39) railcars bearing reporting marks: WVCX 2120 – 2159, excluding WVCX 2130.

Please file this as a secondary document under Recordation Number 23516-D as it relates to documents previously filed with the Surface Transportation Board under Recordation Numbers 23516 through 23516-C. The filing fee in the amount of \$41.00 can be charged to our account.

Should you have any questions or need further information, please do not hesitate to contact me at (513) 419-6062.

Sincerely,

Julie Woodard  
Contract Manager

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NEW YORK STOCK EXCHANGE BOARD

**COMPLETE RELEASE**

This Complete Release (the "Release") releases the liens created by the Memorandum of Options, Rights of First Refusal and Remarketing Rights dated as of June 22, 2001 between Allfirst Bank (n/k/a Manufacturers and Traders Trust Company) and Joseph Transportation Services, Inc. (n/k/a The David J. Joseph Company) and by the Bill of Sale dated as of June 22, 2001 between Allfirst Bank (n/k/a Manufacturers and Traders Trust Company) and Joseph Transportation Services, Inc. (n/k/a The David J. Joseph Company) (the "Agreement") with respect to thirty-nine (39) railcars as indicated on Exhibit A attached hereto (hereinafter, the "Railcars").

WHEREAS, the Agreement of record was memorialized by filing the Memorandum of Options, Rights of First Refusal and Remarketing Rights dated as of June 22, 2001 between Allfirst Bank (n/k/a Manufacturers and Traders Trust Company) and Joseph Transportation Services, Inc. (n/k/a The David J. Joseph Company) a secondary document recorded under Recordation No. 23516-B and by filing the Bill of Sale dated as of June 22, 2001 between Allfirst Bank (n/k/a Manufacturers and Traders Trust Company) and Joseph Transportation Services, Inc. (n/k/a The David J. Joseph Company) a secondary document recorded under Recordation No. 23516-C.

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements set forth herein and for other good and valuable consideration, the receipt of which is hereby acknowledged, The David J. Joseph Company acknowledges as follows:

- 1 The Agreement is hereby terminated. The parties hereby release all rights, interests or claims to, and all liens and encumbrances upon the Railcars as given under the Agreement.
2. The parties desire to execute this Release for purposes of memorializing of record the agreements set forth herein.
3. This Release shall be filed with the STB under Recordation No. 23516-D.

IN WITNESS WHEREOF, The David J. Joseph Company has caused this Release to be duly executed by its respective officer duly authorized as of December 9, 2011.

THE DAVID J. JOSEPH COMPANY

By: Kelly C. Poellein

Name: Kelly C. Poellein

Title: Vice President Finance, Brokerage

State of        OHIO        )  
County of     HAMILTON    ) ss

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of December, 2011 by Kelly C. Poellein, the Vice President Finance, Brokerage of The David J. Joseph Company, a Delaware corporation, on behalf of the said corporation.

Julie Woodward

Notary Public  
Hamilton County

My commission expires: 9-24-12



Julie M. Woodward  
Notary Public, State of Ohio  
My Commission Expires 09-24-2012

## **EXHIBIT A**

**RAILCARS: (39) railcars bearing reporting marks:**

WVCX 2120  
WVCX 2121  
WVCX 2122  
WVCX 2123  
WVCX 2124  
WVCX 2125  
WVCX 2126  
WVCX 2127  
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WVCX 2131  
WVCX 2132  
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